

REMARKS

On page 2 of the Office Action, claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al., JP 11 -354152 in view of Perton et al., US 5,472,809.

In response to this rejection, Applicants have prepared additional data in order to support the patentability of claim 1, and submit the data herewith in an executed Declaration under 37 C.F.R. § 1.132.

As can be seen in the Declaration, it is apparent that the effect from the use of phenylethylene carbonate is obtained only when propylene carbonate (PC) is used.

In particular, the comparison between Comparative Examples A and B shows that when PC is not used, the initial irreversible capacity is scarcely decreased by addition of phenylethylene carbonate.

On the other hand, the comparison between Comparative Example C and Example D shows that when PC is used, the initial irreversible capacity is remarkably decreased by addition of phenyl ethylene carbonate.

Therefore, the present invention provides unexpectedly superior results over the Suzuki reference (EC and DEC in a 50:50 ratio + phenylethylene carbonate) not containing PC.

Thus, Applicants submit that their burden to establish results that are unexpected and significant over the prior art has been satisfied and that the present application should be allowed as a result.

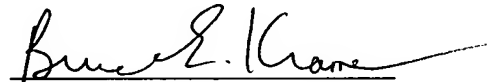
Accordingly, withdrawal of the rejection over Suzuki is respectfully requested.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No.: 10/022,362

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: December 3, 2004